

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**IN RE: NATIONAL COLLEGIATE  
ATHLETIC ASSOCIATION STUDENT-  
ATHLETE CONCUSSION LITIGATION**

MDL NO. 2492  
Case No. 13-cv-09116

Judge John Z. Lee

Magistrate Judge Brown

**RESPONSES TO ORDER REQUESTING  
ADDITIONAL DETAIL IN SUPPORT OF SETTLEMENT EXPENSES**

On November 28, 2016, Settlement Class Counsel submitted a Motion For Leave To Pay Settlement Expenses From the Settlement Fund (Dkt. No. 306). On November 29, 2016, this Court ordered that:

Settlement Class Counsel shall: (1) certify that the settlement expenses are necessary for the purpose of a just and efficient settlement of this case, (2) file the invoice(s) justifying the expenses as exhibits to the motion, (3) provide the budget previously submitted to the Court for such expenses and state whether the actual expenses are under, over, or at the budgeted amount, and (4) provide an estimate as to whether the parties are on target for meeting the previously submitted budget.

(Dkt. No. 310.)

Settlement Class Counsel now provides this response to that Order.

Attached hereto as Exhibit A is the Declaration of Rachel Christman Regarding Settlement Expenses (“Christman Declaration.”). Ms. Christman is the Senior Project Manager for Gilardi & Co., LLC, the Notice Administrator. The Christman Declaration includes the invoices justifying the expenses as exhibits (Christman Declaration at Exhibits 2-4), provides the budget previously submitted to the Court for such expenses (Christman Declaration at Exhibit 1),

states whether the actual expenses are under, over, or at the budgeted amount, and provides an estimate as to whether the parties are on target for meeting the previously submitted budget.

Settlement Class Counsel, in consultation with Gilardi and with Counsel for the National Collegiate Athletic Association, hereby certifies that, in Counsel's opinion, the settlement expenses outlined in the Christman Declaration are necessary for the purpose of a just and efficient settlement of this case.

Dated: December 23, 2016

For the Plaintiffs:

HAGENS BERMAN SOBOL SHAPIRO LLP

By: /s/ Steve W. Berman  
Steve W. Berman  
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Email: beth@hbsslaw.com

*Settlement Class Counsel*

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that on December 23, 2016, a true and correct copy of the foregoing was filed electronically via CM/ECF, which caused notice to be sent to all counsel of record.

By: */s/ Steve W. Berman*  
Steve W. Berman

# Exhibit A

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**IN RE: NATIONAL COLLEGIATE  
ATHLETIC ASSOCIATION STUDENT-  
ATHLETE CONCUSSION LITIGATION**

MDL No. 2492

Master Docket No. 1:13-cv-09116

Judge John Z. Lee

Magistrate Judge Geraldine Soat Brown

**DECLARATION OF RACHEL CHRISTMAN  
REGARDING NOTICE PROGRAM EXPENSES**

I, Rachel Christman, hereby declare and state as follows:

1. I am employed as Senior Project Manager by Gilardi & Co. LLC (“Gilardi”), a KCC Class Action Services (“KCC”) company. Gilardi has been retained to administer the Notice Program in this matter.
2. I provide this declaration to explain incurred costs associated with the first phase of the supplemental notice program (“Phase 1 Media Campaign”), explain incurred costs associated with administrative tasks to date (“Incurred Administration Expenses”), and explain projected costs associated with administrative tasks through completion of the case (“Expected Administration Expenses”). Pursuant to the Court’s instruction, I also attach the invoice(s) justifying the expenses as exhibits, provide the budget previously submitted to the Court for such expenses and state whether the actual expenses are under, over, or at the budgeted amount, and provide an estimate as to whether we are on target for meeting the previously submitted budget. I have personal knowledge of the matters set forth below and, if called as a witness, could and would testify competently thereto.

## PHASE 1 MEDIA CAMPAIGN

3. The total estimated cost of implementing the Phase 1 Media Campaign was approximately \$249,745.00. Detail for the estimated cost can be found in Exhibit 5 of the *Declaration of Alan Vasquez Regarding Dissemination of Notice to Class Members* filed on April 14, 2015 (“2015 Vasquez Declaration”), and are attached hereto as Exhibit 1.

4. Gilardi suggested a phased approach to the notice plan implementation: spending a portion of the notice budget, dependent on the amount of direct notice available during Phase 1 of the Notice period, and then monitoring both the paid and earned media over a 120 day period to evaluate the campaign’s effectiveness before determining whether to spend the balance of the total notice plan budget. Once the amount of direct notice was evaluated, the amount of supplemental publication notice needed would be determined.

5. On the date required for Notice commencement in the preliminary approval order, no data was available for direct notice. Accordingly, the parties agreed to implement the Phase 1 Media Plan contemplating zero direct notice outlined in Exhibit 1.

6. The actual cost of implementing the Phase 1 Media Campaign was \$309,218.00. After applying a discount, discussed below and reflected on the invoice, the cost is \$291,718, a difference of approximately \$41,973. Detail for the actual cost can be found in *In Re NCAA Student Athlete Concussion Injury Litigation* Invoice: 4555-1, which was provided to Class Counsel on July 21, 2016 and forwarded to NCAA Counsel on July 26, 2016. Invoice 4555-1 is attached hereto as Exhibit 2. The estimated cost noted in the April, 2015 Vasquez Declaration increased in part due to the timeframe between the submission of the original estimate and implementation of the Phase 1 Media Campaign, which was in excess of a year. Other changes noted below include:

- a. The total cost of publishing in USA Today and People magazine was estimated to be \$81,298.00, but increases to the content approved by the Court required Gilardi to publish in larger sizes in both publications. The actual cost was \$104,218.00, resulting in an increase of \$22,920.00 over the estimated cost.
- b. The vendor for the banner impressions increased their rates. The estimated cost for the banner advertisements went from \$153,447.00 to \$172,500.00, resulting in a \$19,053.00 increase over the estimated cost.
- c. The budget for Google Display Network impressions was estimated to be \$2,500.00. In order to obtain the approved minimum of 5 million impressions, Gilardi was required to increase the budget by \$2,500.00 over the estimated cost, due to increased costs between the submission of the original estimate and implementation of the Phase 1 Media Campaign. At the request of the parties, Gilardi has agreed to absorb this increased cost, which is reflected on the revised invoice at Exhibit 2.
- d. The budget for Facebook banner impressions was estimated to be \$4,500.00. In order to obtain the approved minimum of 1.5 million impressions to unique individuals, Gilardi was required to increase the budget by \$3,000.00 over the estimated cost, due to increased costs between the submission of the original estimate and implementation of the Phase 1 Media Campaign. At the request of the parties, Gilardi has agreed to absorb this increased cost, which is reflected on the revised invoice at Exhibit 2.
- e. Gilardi's original budget for social media outreach was based upon setting up social listening to identify discussions on social media involving the case, and to

provide a link to the case website for those who may have had direct questions about their due process rights. The cost was estimated to be \$5,500.00. The social media campaign included paid Promoted Tweet advertisements on Twitter, the development of the tweet list, and implementation of both paid and organic tweets to every NCAA Member Institution. Development of the list required approximately 35 staff hours at \$100.00 per hour (\$3,500.00). The eventual cost to serve 2.9 million Promoted Tweets impressions on Twitter was \$14,000.00. Therefore, the ultimate required budget for the social media campaign was \$17,500.00, resulting in an increase of approximately \$12,000.00 over the estimate. At the request of the parties, Gilardi has agreed to absorb this increased cost, which is reflected on the revised invoice at Exhibit 2.

7. Because the parties have been working to obtain class member contact information from each individual NCAA Member Institution (and have been successful with over 2.9 million records to date and more expected to be received in the coming weeks), the Phase 1 Media Campaign launched first with no direct notice. While the response to the request for contact information from the individual NCAA Member Institutions has been robust, it has taken Gilardi longer than expected to standardize the data it has received due to greater-than-anticipated variations in the format in which the data has been provided, as discussed in greater detail below. And as the Court is aware, the NCAA has sent one final request for information from NCAA Member Institutions that have not yet responded, and Class Counsel is sending subpoenas to those institutions that fail to respond to that final request. As such, Gilardi has not yet received all the class member contact information it will use to send direct notice.

8. In January 2017, Gilardi will provide the Court with a full report regarding the effectiveness of the media plan. At that time, Gilardi will have additional information regarding the success of the outreach to member institutions for class member contact information and the anticipated reach of direct notice. At that time, Gilardi will also provide a recommendation regarding whether or not additional media outreach would be appropriate.

#### **INCURRED ADMINISTRATION EXPENSES**

9. In addition to the Phase 1 Media Campaign, Gilardi has Incurred Administration Expenses in the amount of \$170,074.98. Detail for these costs can be found in *In Re NCAA Student Athlete Concussion Injury Litigation* Invoice: 4555-2, which is attached hereto as Exhibit 3. The majority of Gilardi's Incurred Administration Expenses were not addressed in the 2015 Vasquez Declaration. The intent of the 2015 Vasquez Declaration was to outline the proposed notice plan and estimate the related hard notice costs. These costs included - but were limited to - direct notice (email notice and USPS postcard printing and postage costs), the supplemental Media Campaign, and development of a static Settlement Website. The purpose was not to address the overall requirements and costs of complete Settlement and Notice Administration. The overall requirements for complete and appropriate Settlement and Notice Administration include numerous additional and necessary tasks that were not previously presented and budgeted.

10. Gilardi's Incurred Administration Expenses include \$137,581.23 in costs for tasks that were not addressed in Scenario 2 of the 2015 Vasquez Declaration, attached hereto as

Exhibit 4<sup>1</sup>, and \$32,493.75 for tasks that were addressed in Scenario 2. However, the tasks that were addressed in Scenario 2 (Data Preparation and Website Development) have increased in scope as explained in further detail below resulting in an increase of \$26,493.75 over the amount included in Scenario 2. Gilardi's Incurred Administration Expenses are comprised of the following:

- a. Project Management (\$67,356.25): Time billed for communications with the parties; project planning and oversight; quality control; and the day to day maintenance of the project as a whole. Gilardi has billed over 50 hours in consult with the Program Administrator, Counsel for the Plaintiff and Counsel for NCAA. Additionally, Gilardi has billed over 240 hours in project planning, oversight, and quality control. Costs for Project Management were not addressed in Scenario 2.
- b. Data Preparation (\$14,912.50): Time billed for collection, consolidation and normalization of individual NCAA Member Institution Class Member contact information and data submissions ("Census Data"), as discussed in paragraphs 22 and 23 of the 2015 Vasquez Declaration. Gilardi developed a Census Template to streamline this process and provided the Census Template to NCAA Member Institutions. However, roughly 46% of the data submissions have been provided outside of this Census Template. The remaining data submissions have been submitted in a variety of formats such as Microsoft Excel, Adobe PDF, Microsoft Word, and .txt. Gilardi manually re-formatted each of these non-standard data

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<sup>1</sup>The 2015 Vasquez Declaration outlined three possible direct notice scenarios: Scenario 1 assumed direct notice via USPS mail to 2.9 million individuals. Scenario 2 assumed direct USPS notice to 2.9 million individuals as well as email notice to 1.45 million (assuming 50% of the individuals would also have an email address available). Scenario 3 assumed direct USPS notice to 4.2 million individuals and no email notice. None of the scenarios addressed the additional tasks associated with Settlement Administration addressed in ¶9 above. As the approved notice plan ultimately included both USPS and email notice, the current administration expenses most closely follow Scenario 2, and this is the estimate to which the Incurred Administration Expenses and Expected Administration Expenses will be compared in this declaration.

submissions to fit the Census Template prior to consolidating with the master list of data submissions. The need to reformat the submissions from the NCAA Member Institutions has resulted in the investment of an extra 50 hours not originally contemplated by Gilardi or the parties. Due to this additional required work, the incurred cost of Data Preparation has increased by \$10,412.50 over the cost addressed in Scenario 2.

- c. Software Customization (\$3,106.25): Time billed for development and maintenance of Gilardi's proprietary software used to house both Census Data and Individual Class Member data submissions. Scenario 2 did not address this standard administrative cost.
- d. Document Formatting (\$2,373.75): Time billed for preparation of documents to be mailed and posted to the Settlement Website. Scenario 2 did not address this standard administrative cost.
- e. Website Development (\$17,581.25): Time billed for development of two websites: 1) The Settlement Website ([www.collegeathleteconcussionsettlement.com](http://www.collegeathleteconcussionsettlement.com)), where individuals may view information about the Settlement, including copies of relevant court documents, a list of frequently asked questions, and contact information for Gilardi. This website also includes a "Stay Informed" feature as discussed in paragraph 31 of the 2015 Vasquez Declaration. 2) The Upload Website ([www.gilardigateway.com/CollegeAthleteConcussionSettlement/uploadmanager](http://www.gilardigateway.com/CollegeAthleteConcussionSettlement/uploadmanager)), where NCAA Member Institutions are able to upload requested Census Data. Gilardi has billed over 110 hours to develop and implement the two websites.

Scenario 2 did not contemplate the dynamic data collection website through which NCAA Member Institutions can upload Class Member contact information. Due to the change in scope of developing an additional website to serve the NCAA member institutions, the incurred cost of Website Development has increased by \$16,081.25 over the cost included in Scenario 2.

- f. Expert Services Media Campaign (\$45,445): Since August of 2014, Gilardi has collectively billed over 240 hours for coordination of the supplemental notice campaign along with research, expert testimony, consultation with the parties, and travel in support of the proposed notice plan. Costs for Expert Services were not addressed in Scenario 2.
- g. Customer Support (\$13,718.73): Time billed for setup and maintenance of a case-dedicated toll free number (877-209-9898) and email address (info@collegeathleteconcussionsettlement.com), recording and implementation of an Interactive Voice Recording where individuals may listen to answers to Frequently Asked Questions, live operator time, and handling of both email and physical correspondence with potential Class Members and NCAA Member Institutions. This task was not addressed in Scenario 2. Gilardi has collectively billed over 60 hours to Customer Service. The majority of this time is attributable to correspondence with NCAA Member Institutions regarding uploads of requested Census Data.
- h. Required Reporting (\$5,581.25): Time billed for reports requested and required by the parties or the Court. Gilardi produces weekly statistical reporting to the parties including call volumes, data submission volumes, and opt-outs received.

Additionally, since September 2014, Gilardi has been called upon to produce at least 4 declarations to be filed with the Court. Gilardi has collectively billed over 30 hours to these tasks. Costs for Reporting were not addressed in Scenario 2.

### **EXPECTED NOTICE AND ADMINISTRATION EXPENSES<sup>2</sup>**

11. At the direction of counsel, Gilardi will continue to provide services throughout the course of the notice campaign. Gilardi's current Expected Administration expenses total \$1,999,749.50. These expenses include \$464,223.50 in costs for tasks that were not addressed in Scenario 2, and \$1,535,526.00 for tasks that were addressed in Scenario 2, representing an increase of \$373,831 in costs for tasks that were addressed. The cost for these tasks have increased due to 1) an increased scope of certain tasks (Data Preparation and Website Development, representing an increase of \$29,086, discussed in more detail below) and 2) an increase in the cost of administrative services as the 2015 Vasquez Declaration was submitted to the Court approximately 20 months ago (representing an increase of \$344,745). Gilardi's Expected Administration Expenses are comprised of the following:

- a. Software Management and System Maintenance (\$1,893.75): Time to be billed for ongoing maintenance of Gilardi's proprietary software as necessary to facilitate the needs of the case. Scenario 2 did not address this standard administrative cost.
- b. Document Formatting (\$126.25): Time to be billed for preparation of documents to be mailed and emailed to potential Class Members. Scenario 2 did not address this standard administrative cost.

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<sup>2</sup> These expenses are calculated based upon trends observed in this case and in similar administrative projects. Expenses which are not actually incurred will not be charged (for example, if website support is reduced to less than 60 months, Gilardi will only charge for months of website support actually incurred); likewise expenses which exceed the estimated costs will be charged at the amount actually incurred (for example, if the volume of telephone support exceeds the estimated volume).

- c. Project Management (\$65,000): Time to be billed for communications with the parties; project planning and oversight; quality control; and the day to day maintenance of the project as a whole. This includes additional time necessary for administrative tasks not contemplated in the notice plan such as coordination with the Program Administrator and fulfillment of ad-hoc requests from the parties to facilitate the Medical Monitoring Program. Costs for Project Management were not included in Scenario 2.
- d. Data Preparation (\$19,786): Time to be billed for ongoing collection and consolidation of Census Data. To date, several hundred NCAA Member Institutions have not submitted the requested Census Data. New Census Data submissions continue to be submitted on a daily basis. This will also include time to be billed for the preparation of the mail and email file(s) for dissemination to potential Class Members (organization of data into standard mailing/email formats, removal of duplicate records, reverse search by SSN for records submitted without contact information, and updating the mailing list using the National Change of Address database). Additionally, this will include time to be billed for downloading and normalizing Stay Informed requests from the Settlement Website as often as directed by the parties. As discussed in ¶10.b above, this cost exceeds the cost included in Scenario 2 by \$19,786.
- e. Email Campaigns (\$31,450): Time and vendor costs to be billed for at least two outbound email campaigns, including tracking of undeliverable emails. The time and vendor costs (\$30,450) cost match the cost provided in Scenario 2, however Scenario 2 did not address tracking of undeliverable emails (\$1,000).

f. Print/Mail Notifications (\$1,029,500): Time, materials, and vendor costs to be billed for at least two mailings of the Notice Postcard, including postage. Since the 2015 Vasquez Declaration, mailing costs have increased. These increases have resulted in a total increase of \$234,218 in expected printing and mailing costs. Gilardi will be performing four reminder mailings over the life of this case. Because the quantities and pricings of these mailings are currently unknown and cannot be estimated, there is no estimated cost provided.

g. Notice Campaign Management (\$2,250): Time to be billed for management oversight of direct notice process (including both mailed and emailed notice). Notice Campaign Management costs match the cost provided in Scenario 2.

h. Returned Undeliverable Mail Processing (\$461,031): Time, materials, and vendor costs, including postage, to be billed for processing USPS-returned undeliverable mail (“RUM”), searching for updated addresses, and re-mailing Notice Postcards as discussed in paragraphs 27 – 29 of the 2015 Vasquez Declaration as well as forwarding RUM to addresses provided by the USPS. Since the 2015 Vasquez Declaration, mailing costs have increased. These increases have resulted in a total increase of \$110,527 in expected RUM processing and remail costs. Additionally, Scenario 2 did not address the cost of forwarding RUM to updated addresses provided by the USPS (\$16,791).

i. Opt-Out Processing (\$5,000): Time and materials to be billed for collection of and reporting on requests to be excluded from the Settlement. Costs for Opt Out processing were not addressed in Scenario 2.

- j. Website Maintenance (\$9,300): Time to be billed for ongoing maintenance of websites, including server space rental, posting periodic case updates and coordinating with the Program Administrator to route Class Members from the Settlement Website to the Program Administrator's Medical Monitoring website upon Final Approval of the Settlement. As discussed in ¶10.e above, this cost exceeds the cost included in Scenario 2 by \$9,300.
- k. Customer Support (\$366,912.50): Time to be billed for ongoing maintenance of the case-dedicated toll free number (877-209-9898), recording and implementation of updates to the Interactive Voice Recording, live operator time, time, materials, and vendor costs (including postage) of handling requests for Notice documents from Class Members and handling of both email and physical correspondence with potential Class Members and NCAA Member Institutions. Costs for Customer Support were not addressed in Scenario 2.

- l. Required Reporting (\$7,500): Time to be billed for reports requested and required by the parties or the Court. Costs for Reporting were not addressed in Scenario 2.

An estimate to complete addressing the above referenced Expected Administration Expenses is attached hereto as Exhibit 5.

12. In this Court's Docket Entry, dated November 29, 2016 (Documents #310), one of the things this Court requested was "an estimate as to whether the parties are on target for meeting the previously submitted budget." The actual incurred and expected future expenses outlined here exceed the previously submitted budget. As explained above, however, because "the previously submitted budget" (Exhibit 1 here) was limited to the hard costs associated with providing direct and supplemental Notice, and was not intended to outline the entire expected

and necessary costs of completing Settlement and Notice Administration, which is presented here, an apples-to apples comparison between the two is not possible. Gilardi does believe, however, that the actual incurred and expected expenses outlined here are necessary and appropriate for the purpose of a complete, effective, efficient, and proper Settlement and Notice Administration.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 23<sup>rd</sup> day of December, 2016.

Rachel Christman

Rachel Christman

# **EXHIBIT – 1**

## ESTIMATED REACH AND SUPPLEMENTAL NOTICE REQUIRED DEPENDENT ON AMOUNT OF DIRECT NOTICE

Direct Notice	Notice Phases and Outside Budget	Reach Analysis - Class Size: 4,200,000
85%	<b>PHASE I: 0-120 days from Preliminary Approval</b> Direct Notice \$ 1,643,427 USPS to approx. 4.2 million Print Publication \$ 81,298 <i>Sports Illustrated</i> <i>USA Today</i> Press Release \$ 2,500 Display Banners \$ 29,412 Outreach (aka Social Media Monitoring) \$ 5,500 Google Display Network \$ 2,500 Facebook \$ 4,500 <b>TOTAL COST:</b> \$ 1,769,137 <b>ESTIMATED REACH WITH 5-10X FREQUENCY:</b> 89.8%	<b>Random Media Combination Calculation</b> Direct 1 85.0% 0.150 Print 1 9.1% 0.099 Press Release, Outreach, Google, & Facebook 1 0.5% 0.995 Online Display Banners 1 25.0% 0.750  $0.15 \times 0.099 \times 0.995 \times 0.75 = 0.1017512$ $1 - 0.102 = 0.8982488$  <b>REACH:</b> 89.8%
62%	<b>PHASE I: 0-120 days from Preliminary Approval</b> Direct Notice \$ 1,168,490 Email to 1.45 million, USPS to 2.9 million Print Publication \$ 81,298 <i>Sports Illustrated</i> <i>USA Today</i> Press Release \$ 2,500 Display Banners \$ 94,624 Outreach (aka Social Media Monitoring) \$ 5,500 Google Display Network \$ 2,500 Facebook \$ 4,500 <b>TOTAL COST:</b> \$ 1,359,412 <b>ESTIMATED REACH WITH 5-10X FREQUENCY:</b>	<b>Random Media Combination Calculation</b> Direct 1 62.0% 0.380 Print 1 17.8% 0.822 Press Release, Outreach, Google, & Facebook 1 0.5% 0.995 Online Banners 1 47.0% 0.530  $0.38 \times 0.822 \times 0.995 \times 0.53 = 0.164723$ $1 - 0.165 = 0.835277$  <b>REACH:</b> 83.5%
59%	<b>PHASE I: 0-120 days from Preliminary Approval</b> Direct Notice \$ 1,137,140 USPS to approx. 2.9 million Print Publication \$ 81,298 <i>Sports Illustrated</i> <i>USA Today</i> Press Release \$ 2,500 Display Banners \$ 94,624 Outreach (aka Social Media Monitoring) \$ 5,500 Google Display Network \$ 2,500 Facebook \$ 4,500 <b>TOTAL COST:</b> \$ 1,328,062 <b>ESTIMATED REACH WITH 5-10X FREQUENCY:</b>	<b>Random Media Combination Calculation</b> Direct 1 59.0% 0.410 Print 1 17.8% 0.822 Press Release, Outreach, Google, & Facebook 1 0.5% 0.995 Online Banners 1 50.0% 0.500  $0.41 \times 0.822 \times 0.995 \times 0.5 = 0.1676675$ $1 - 0.168 = 0.8323326$  <b>REACH:</b> 83.2%
0%	<b>PHASE I: 0-120 days from Preliminary Approval</b> Print Publication \$ 81,298 <i>Sports Illustrated</i> <i>USA Today</i> Press Release \$ 2,500 Display Banners \$ 153,447 Outreach (aka Social Media Monitoring) \$ 5,500 Google Display Network \$ 2,500 Facebook \$ 4,500 <b>TOTAL COST:</b> \$ 249,745 <b>ESTIMATED REACH WITH 5-10X FREQUENCY:</b>	<b>Random Media Combination Calculation</b> Direct 1 0.0% 1.000 Print 1 17.8% 0.822 Press Release, Outreach, Google, & Facebook 1 0.5% 0.995 Online Banners 1 75.5% 0.245  $1 \times 0.822 \times 0.995 \times 0.2451 = 0.2004648$ $1 - 0.200 = 0.7995352$ <b>REACH:</b> 80.0%

\* Banner reach is based on serving a minimum of 90 million impressions, frequency capped to ensure a minimum of 4.2 million unique IP addresses are reached that fit within the class definition. Assuming 25% of the users reached online also see the notice in other media, the estimated reach of the online banners is 75% of the class.

# EXHIBIT – 2

# Gilardi

& Co LLC

3301 Kerner Blvd.  
San Rafael, CA 94901  
P: (415) 461-0410  
F: (415) 461-0412

July 21, 2016  
Revised December 22, 2016

Christopher A. O'Hara, Esq.  
Hagens Berman Sobol Shapiro LLP  
1918 8<sup>th</sup> Ave., Suite 3300  
Seattle, WA 98101

Re: **In Re NCAA Student Athlete Concussion Injury Litigation**  
Client Matter Number 4555  
Invoice: 4555-1

Third party expense in connection with the Media Plan for the **In Re NCAA Student Athlete Concussion Injury Litigation** matter.

**Notification**

Media Plan	\$ 309,218.00
Less Discount	< <u>17,500.00</u> >
AMOUNT DUE	\$ <u>291,718.00</u>



**REMITTANCE PAGE**

3301 Kerner Blvd.  
San Rafael, CA 94901  
P: (415) 461-0410  
F: (415) 461-0412

**DATE:** December 22, 2016

**CLIENT:** Christopher A. O'Hara, Esq.  
Hagens Berman Sobol Shapiro LLP  
1918 8<sup>th</sup> Ave., Suite 3300  
Seattle, WA 98101

**MATTER:** In Re NCAA Student Athlete Concussion Injury Litigation

**CLIENT MATTER NUMBER 4555**  
**INVOICE:4555-1**

**TOTAL AMOUNT DUE: \$291,718.00**

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**Wire Transfer Instructions:**

Gilardi & Co LLC  
HSBC Bank, NA  
452 Fifth Avenue  
New York, NY 10081  
Account Number: 000183571  
Routing Number: 021001088

**Remit Check Payments:**

Gilardi & Co LLC  
Dept CH 16639  
Palatine, IL 60055-6639

**Gilardi & Co LLC Federal ID Number:**  
91-1821644

**Please include this page with your payment.**

# **EXHIBIT – 3**

# Gilardi

& Co LLC

3301 Kerner Blvd.  
San Rafael, CA 94901  
P: (415) 461-0410  
F: (415) 461-0412

December 7, 2016

Christopher A. O'Hara, Esq.  
Hagens Berman Sobol Shapiro LLP  
1918 8<sup>th</sup> Ave., Suite 3300  
Seattle, WA 98101

Re: **In Re NCAA Student Athlete Concussion Injury Litigation**  
Client Matter Number 4555  
Invoice: 4555-2

Professional services and third party expenses through November 30, 2016 in connection with Project Management, Data Work, Software Customization, Document Formatting, Website Development Telephone Support and Declaration for the **In Re NCAA Student Athlete Concussion Injury Litigation** matter.

**Notification**

Project Management	\$ 67,356.25
Data Work	14,688.00
Experian Data List	224.50
Software Customization	3,106.25
Document Formatting	2,373.75
Website Development	17,581.25
Expert Services Media Campaign	45,445.00
Telephone Setup	3,750.00
Script Drafting and Management	750.00
IVR Line Charges	42.48
Telephone Support	9,176.25
Declaration	<u>5,581.25</u>
Subtotal Notification	<u>\$170,074.98</u>
AMOUNT DUE	<u>\$170,074.98</u>



**REMITTANCE PAGE**

3301 Kerner Blvd.  
San Rafael, CA 94901  
P: (415) 461-0410  
F: (415) 461-0412

**DATE:** December 7, 2016

**CLIENT:** Christopher A. O'Hara, Esq.  
Hagens Berman Sobol Shapiro LLP  
1918 8<sup>th</sup> Ave., Suite 3300  
Seattle, WA 98101

**MATTER:** In Re NCAA Student Athlete Concussion Injury Litigation

**CLIENT MATTER NUMBER** 4555  
**INVOICE:** 4555-2

**TOTAL AMOUNT DUE:** \$170,074.98

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**Wire Transfer Instructions:**

Gilardi & Co LLC  
HSBC Bank, NA  
452 Fifth Avenue  
New York, NY 10081  
Account Number: 000183571  
Routing Number: 021001088

**Remit Check Payments:**

Gilardi & Co LLC  
Dept CH 16639  
Palatine, IL 60055-6639

**Gilardi & Co LLC Federal ID Number:**  
91-1821644

**Please include this page with your payment.**

# **EXHIBIT – 4**

Case: 1:13-cv-09116 Document #: 162 Filed: 04/14/15 Page 59 of 63 PageID #:4000

## ESTIMATE SCENARIO #2

April 13, 2015



Matter: NCAA Student Athlete Concussion Litigation - Administration Cost Estimate

## NOTICE ADMINISTRATION COST ESTIMATE SUMMARY

**KEY ASSUMPTIONS:**

- 1 - Estimated class of 4.2 million individuals
- 2 - Postcard Notice mailed to 2.9 million Class Members
- 3 - Email blast of Notice to 1.45 million Class Members
- 4 - Static case-dedicated website to host case documents and information

**CLASS SIZE:**

Total Estimated Class Size	4,200,000
Class Members To Be Mailed Direct Notice via USPS/Email	2,900,000

**SERVICES:**

<b>Notification Procedures</b>		
Mailing Prep & Data Prep	\$ 5,295	
Email Blast	31,350	
Printing/Mailing	796,632	
RUM Handling & Address Searches	333,713	
Website Development	<u>1,500</u>	
 Total Direct Mailing Cost:	 <u>\$ 1,168,490</u>	
 TOTAL ESTIMATED NUMBER OF CLASS MEMBERS REACHED THROUGH DIRECT MAIL:	 2,610,000	
 *ESTIMATED PERCENTAGE OF TOTAL CLASS MEMBERS REACHED THROUGH DIRECT NOTICE:	 62%	
 TOTAL DIRECT MAIL COST:	 \$ 1,168,490	
 TOTAL ESTIMATED COST OF SUPPLEMENTAL NOTICE REQUIRED TO ENSURE 80% REACH OF CLASS MEMBERS:	 \$ 321,437	
 TOTAL ESTIMATED DIRECT AND SUPPLEMENTAL NOTICE COST:	 <u>\$ 1,489,927</u>	

\*The Estimated percentage reached through direct notice assumes that 10% of those who receive email notice will receive notice through email exclusively due to their postal notice being returned as undeliverable and no re-mail address found through searches performed.

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April 13, 2015

Matter: NCAA Student Athlete Concussion Litigation - Administration Cost Estimate  
 Page 2 of 2



## NOTIFICATION PROCEDURES

	Unit Rate	Volume	Cost	Total
<b>Mailing Prep &amp; Data Prep</b>				
NCOA Update	\$ 90.00	50 hrs	\$ 795 4,500	
Data preparation				
Subtotal Mailing Prep & Data Prep				5,295
<b>Email Blast</b>				
Staff time prepping and verifying email address data	\$ 90.00	10 hrs	\$ 900	
Mass Email Notice	\$ 0.021	1,450,000	30,450	
Subtotal Email Services				31,350
<b>Printing/Mailing</b>				
Total Class Members receiving postal mail Notice			2,900,000	
Notice Packet:				
4.25" x 6" Single Postcard	\$ 0.016	2,900,000	\$ 47,082	
Estimated 1st Class Postage	\$ 0.258	2,900,000	748,200	
Print Production Staff Hours	\$ 90.00	15 hrs	1,350	
Subtotal Notice				796,632
<b>Returned Undeliverable Mail ("RUM") Handling &amp; Address Searches</b>				
Estimated % and Number of RUM Notice Packets	30%		870,000	
RUM Scanning	\$ 0.04	870,000	\$ 34,800	
Address Searches	\$ 0.20	870,000	174,000	
Percentage of RUM returned without SSN available for Search	100%		870,000	
Amount of New Addresses Found (without SSN) and Remail Cost	50% \$ 0.021	435,000	9,083	
Estimated 1st Class Postage	\$ 0.258	435,000	112,230	
Staff Hours Performing RUM & Remail Services	\$ 90.00	40 hrs	3,600	
Subtotal RUM Handling & Address Searches				333,713
<b>Website Development</b>				
Static case-dedicated website with case information and documents			\$ 1,500	1,500
<b>Subtotal Notification Procedures</b>				<b>\$ 1,168,490</b>

# EXHIBIT – 5

# Gilardi

& Co LLC

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December 23, 2016

Christopher A. O'Hara, Esq.  
Hagens Berman Sobol Shapiro LLP  
1918 8<sup>th</sup> Ave., Suite 3300  
Seattle, WA 98101

Re: **In Re NCAA Student Athlete Concussion Injury Litigation**  
Client Matter Number 4555  
Estimate to Complete: 4555-3

Expected professional services and third party expenses from December 1, 2016 through case completion in connection with Intake and Process Data, Setup Case Management Systems, Document Formatting, Email Notification, Media Campaign, Postcard Notice, RUM Processing, Reminder Mailings, Website Development, Case Management, Opt-out & Objection Processing, Correspondence, Reporting, Declaration and Telephone Support for the **In Re NCAA Student Athlete Concussion Injury Litigation** matter.

#### Notification

Case Management System Maintenance	\$ 1,893.75
Format Documents	126.25
Staff Hours Processing Data Files	14,633.00
Staff Hours Providing Customer Service	
Support to Institutions	2,000.00
First Round Email Notice – 997,906 @ \$0.021	20,956.03
Email Campaign Management	900.00
Track/Manage Bouncebacks	500.00
Second Round Email Notice – 452,094 @ \$0.021	9,493.97
Track/Manage Bouncebacks	500.00
NCOA	5,153.00
Printing Postcard Mailing	101,500.00
Postage	928,000.00
Print Production	1,350.00
Forwarding of RUM with USPS	
Forwarding Address – 29,000 @ \$0.079	2,291.00
Data Entry of Remails to New Addresses	
29,000 @ \$0.50	14,500.00
RUM Scanning	87,000.00
RUM Searches – 870,000 @ \$0.20	174,000.00

continued

**In Re NCAA Student Athlete Concussion Injury Litigation**

Client Matter Number 4555

Invoice: 4555-3

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## Notification continued

Remails – 435,000 @ \$0.079	\$ 34,365.00
Postage	141,375.00
Staff Hours Performing RUM & Remail Services	7,500.00
Reminder Mailing 10 Years After Effective Date	TBD
Reminder Mailing 20 Years After Effective Date	TBD
Reminder Mailing 30 Years After Effective Date	TBD
Reminder Mailing 40 Years After Effective Date	TBD
Website Maintenance: Two Websites	6,000.00
Server Space Rental: Settlement Website \$50 For 60 Months	3,000.00
Server Space Rental: NCAA Upload Site \$50 For 6 Months	300.00
Case Management	65,000.00
Opt-out/Objection Processing	5,000.00
Correspondence Processing	70,000.00
Reporting	5,000.00
Declarations	<u>2,500.00</u>
Subtotal Notification	\$1,704,837.00

**Telephone Support**

Ongoing Script Management	\$ 750.00
IVR Line Charges	121,500.00
Line Transfer Fee	12,150.00
Staff Hours Providing Phone Support	84,375.00
Long Form Notice Requests – 11,250 @ \$1.50	16,875.00
Postage	5,512.50
Print Production Management	46,600.00
Transcriptions – 11,250 @ \$0.60	6,750.00
Staff Hours Downloading Transcriptions	<u>400.00</u>
Subtotal Telephone Support	<u>294,912.50</u>
<b>TOTAL EXPECTED AMOUNT</b>	<b><u>\$1,999,749.50</u></b>